IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WA.No. 1677 of 2007

AGAINST THE JUDGEMENT IN WPC.15143/2007 Dated 24/05/2007
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APPELLANT/6TH RESPONDENT

JITHIN JOY,
ALAPPATT HOUSE, XXIII/156,
CHANGAMPUZHA NAGAR, KALAMASSERY.

BY ADV. SRI.K.J.KURIACHAN

RESPONDENTS/PETITIONER AND RESPONDENTS 1 TO 5
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1. P.I.THAJUDEEN,
REVATHY PLAZA, PALACKAL,
PERANDOOR ROAD, KALOOR, ERNAKULAM.

2. GOVERNMENT OF KERALA,
REPRESENTED BY THE SECRETARY TO FOOD AND
CIVIL SUPPLIES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE COMMISSIONER OF CIVIL SUPPLIES,
TRIVANDRUM.

4. THE DISTRICT COLLECTOR, ERNAKULAM.

5. THE DISTRICT SUPPLY OFFICER,
ERNAKULAM.

6. THE TALUK SUPPLY OFFICER,
KANAYANNOOR TALUK, ERNAKULAM.

BY SR.GOVERNMENT PLEADER SMT.MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.1677 of 2007

Dated, this the 11th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

Ext.P8 order passed by the Commissioner of Civil Supplies was the subject matter in the writ petition. By the said order the Commissioner of Civil Supplies had granted Authorised Wholesale Dealer licence to the 6th respondent in the writ petition by setting aside the orders of the District Collector granting licence in favour of the petitioner. Aggrieved by the said order, the petitioner has carried the matter by way of revision before the State Government.

2. In the writ petition, the petitioner has sought for a writ in the nature of certiorari to quash Ext.P8 order and for a further direction to respondents 4 and 5 not to implement Ext.P8 order. The consequential prayer was to direct the State Government to dispose of the revision petition (Ext.P9) within a particular time frame.

3. The learned Single Judge by his order dated 24th May, 2007 has disposed of the writ petition with a direction to the first respondent to consider the stay petition filed by the petitioner along with his revision petition. Further has directed that Ext.P8 order passed by the Commissioner be kept in abeyance. Aggrieved by the aforesaid order passed by the learned Single Judge, the 6th respondent in the writ petition has presented this writ appeal.

4. Admittedly, the District Collector, Ernakulam had granted Authorised Wholesale Dealer licence to the petitioner and that order has been reversed by the Commissioner of Civil Supplies, Thiruvananthapuram in the appeal filed by

the 6th respondent. Aggrieved by the orders passed by the Commissioner, the petitioner has already carried the matter by way of revision before the State Government and along with the revision petition a stay petition is also filed. Before considering the stay petition if Ext.P8 order is implemented, the petitioner will be put to irreparable loss which cannot be compensated in terms of the money and therefore, the learned Single Judge has only directed the authorities to keep Ext.P8 order in abeyance till the stay petition filed by the petitioner before the State Government along with his revision petition is decided one way or the other. In our opinion, the order passed by the learned Single Judge in no way affects the interests of any one of the parties to this proceedings. Therefore, the writ appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns